

STATEMENT OF SENATOR DANIEL K. INOUE
VICE CHAIRMAN
COMMITTEE ON INDIAN AFFAIRS
BEFORE THE
APRIL 20, 1999 OVERSIGHT HEARING
ON THE
IMPLEMENTATION
OF THE
NATIVE AMERICAN GRAVES PROTECTION
AND
REPATRIATION ACT

GOOD MORNING AND WELCOME TO THIS OVERSIGHT HEARING OF THE COMMITTEE ON INDIAN AFFAIRS ON THE IMPLEMENTATION OF THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT.

THE ACT HAS ITS ORIGINS IN A LEGISLATIVE PROPOSAL THAT WAS INTRODUCED IN 1986, IN THE 98TH SESSION OF THE CONGRESS, AND AGAIN IN 1987, BY SENATOR JOHN MELCHER OF MONTANA.

IN FEBRUARY OF 1987, THIS COMMITTEE HELD A HEARING ON THAT MEASURE, AND IT WAS THEN THAT WE LEARNED THAT THE SMITHSONIAN INSTITUTION HAD IN ITS POSSESSION, APPROXIMATELY 14,500 HUMAN REMAINS OF AMERICAN INDIANS, ALASKA NATIVES AND NATIVE HAWAIIANS.

WE ALSO LEARNED AT THAT TIME THAT OTHER MUSEUMS AND SCIENTIFIC INSTITUTIONS WERE ALSO IN POSSESSION OF THOUSANDS OF NATIVE AMERICAN HUMAN REMAINS, ASSOCIATED FUNERARY OBJECTS, SACRED ITEMS, AND OBJECTS OF CULTURAL PATRIMONY.

ALTHOUGH THE EVIDENCE PRESENTED TO THE COMMITTEE WAS COMPELLING AND PROVIDED AMPLE JUSTIFICATION FOR THE NEED TO ENACT LEGISLATION, THE AMERICAN ASSOCIATION OF MUSEUMS CALLED UPON THE COMMITTEE TO FORBEAR FROM ACTING SO THAT A PROCESS OF DIALOGUE COULD BE INITIATED BETWEEN MEMBERS OF THE MUSEUM AND SCIENTIFIC INSTITUTION COMMUNITIES, AND REPRESENTATIVES OF INDIAN COUNTRY.

THAT NATIONAL DIALOGUE DID PROCEED, AND WHILE IT DID NOT YIELD PROPOSED LEGISLATION, AS SOME OF ITS PARTICIPANTS HAD

ANTICIPATED AT THE OUTSET OF THE PROCESS, THE PARTIES DID REACH AGREEMENT ON A GUIDING SET OF PRINCIPLES.

IT WAS THOSE PRINCIPLES THAT SERVED AS THE FOUNDATION FOR THE ACT WHICH WE CONSIDER TODAY.

ALONG THE WAY THERE WERE MANY INTERESTING DISCUSSIONS, INCLUDING A STRUGGLE ON THE PART OF MUSEUMS AND SCIENTIFIC INSTITUTIONS TO UNDERSTAND WHAT MIGHT BE INCLUDED IN THE SCOPE OF WHAT IS VIEWED AS “SACRED” BY NATIVE RELIGIOUS AND CULTURAL LEADERS AS WELL AS TRIBAL CITIZENS.

THE CONCERN EXPRESSED AT THAT TIME WAS THAT IF NATIVE PEOPLE WERE ALLOWED TO DETERMINE WHAT WAS “SACRED”, THEY MIGHT DEEM EVERYTHING AS SACRED.

FROM THIS VANTAGE POINT, THE SPECTER WAS RAISED THAT AS A RESULT, THE GREAT MUSEUMS AND SCIENTIFIC INSTITUTIONS OF THE WORLD WOULD BE EMPTIED OF THEIR VAST COLLECTIONS OF NATIVE AMERICAN HUMAN REMAINS AND CULTURAL ARTIFACTS.

HAPPILY, IN THE YEARS SINCE THE NATIVE AMERICAN GRAVE PROTECTION AND REPATRIATION ACT WAS SIGNED INTO LAW, THESE FEARS HAVE PROVED TO BE GROUNDLESS.

AS ONE MIGHT EXPECT, THE FIRST SUBJECTS OF THE REPATRIATION AUTHORITY WERE NATIVE AMERICAN HUMAN REMAINS.

I BELIEVE THE FIRST REMAINS TO BE REPATRIATED UNDER THE AUTHORITY OF THE REPATRIATION PROVISIONS OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN ACT, WERE SOME 200 NATIVE HAWAIIAN HUMAN REMAINS.

WE ARE ADVISED THAT SINCE 1992, FOUR HUNDRED NOTICES OF AN INTENT TO REPATRIATE HAVE PUBLISHED IN THE FEDERAL REGISTER, COVERING APPROXIMATELY THREE HUNDRED THOUSAND FUNERARY OBJECTS, THREE TO FOUR HUNDRED SACRED OBJECTS, AND ONE TO TWO HUNDRED OBJECTS OF CULTURAL PATRIMONY.

IN ADDITION, OUT OF APPROXIMATELY TWO HUNDRED THOUSAND NATIVE AMERICAN HUMAN REMAINS, FOURTEEN THOUSAND HAVE BEEN REPATRIATED.

IT WOULD APPEAR THAT THE ACT, ON THE WHOLE, IS WORKING.

BUT WE ALSO KNOW THAT THERE HAVE BEEN CHALLENGES ENCOUNTERED IN THE IMPLEMENTATION OF THE ACT, AND WE ARE HERE TODAY TO DEVELOP A BETTER UNDERSTANDING OF THOSE CHALLENGES, SO THAT WE MAY DETERMINE WHETHER THERE IS A NEED FOR ADJUSTMENTS IN THE MANNER IN WHICH THE LAW IS BEING ADMINISTERED, OR WHETHER THE MAY REQUIRE AMENDMENT.

WITH THAT, I WOULD LIKE TO WELCOME OUR WITNESSES HERE TODAY. WE LOOK FORWARD TO RECEIVING YOUR TESTIMONY.